

REMARKS

Claims 1, 4, 5, 40, 43, 78, and 80 have been amended. Claims 1-19, 40-57, 78, and 80 remain pending in this application.

The Examiner has rejected claim 78 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description. The Examiner has rejected claim 78 under 35 U.S.C. §101 because the claimed invention is asserted to be directed to non-statutory subject matter. The Examiner submits that the claim term “computer program product” is not limited to tangible embodiments since the specification includes the term “carrier wave.” Although it is submitted that a carrier wave is a tangible substance that has characteristics that are physically measurable and detectable, claim 78 has been amended to be directed towards a “computer readable storage medium” to expedite prosecution. It is respectfully submitted that claim 78 meets the requirements of 35 U.S.C. §112 and §101.

The Examiner also has rejected claims 1-19, 40-57, 78 and 80 under the nonstatutory double patenting in light of U.S. Patent Applications 09/608,548 and 09/527,085. Two terminal disclaimers are filed herewith to overcome this rejection.

The Examiner rejected 1-19, 40-57, 78 and 80 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,167, 438 to Yates et al. (referred to herein as “Yates”). Applicants respectfully traverse these rejections as follows.

Claim 1 is directed towards a “method of facilitating redirection of data sent from a first processing device to a second processing device.” Claim 1 also recites “at a third processing device associated with a plurality of traffic handling systems, receiving traffic information from each of the associated traffic handling systems, wherein the traffic information received from each associated traffic handling system specifies which data based on at least a portion of the data should be redirected to the each associated traffic handling system. Claim 1 further requires “determining how to redirect data received by the third processing device to a selected traffic handling system based on the received traffic information from each of the associated traffic handling systems.” Claim 1 also requires “at the third processing device, receiving data from one or more first processing devices that are destined for one or more second processing devices” and “at the third processing device, redirecting the received data to selected one or more of the traffic handling systems so that the redirected data are apportioned between the traffic handling systems based on the traffic information from each of the associated traffic handling systems and at least a portion of the received data.” Claim 40, 78, and 80 are directed towards mechanisms for performing the operations of claim 1.

Embodiments of the present invention, may be utilized in a network such as illustrated below:

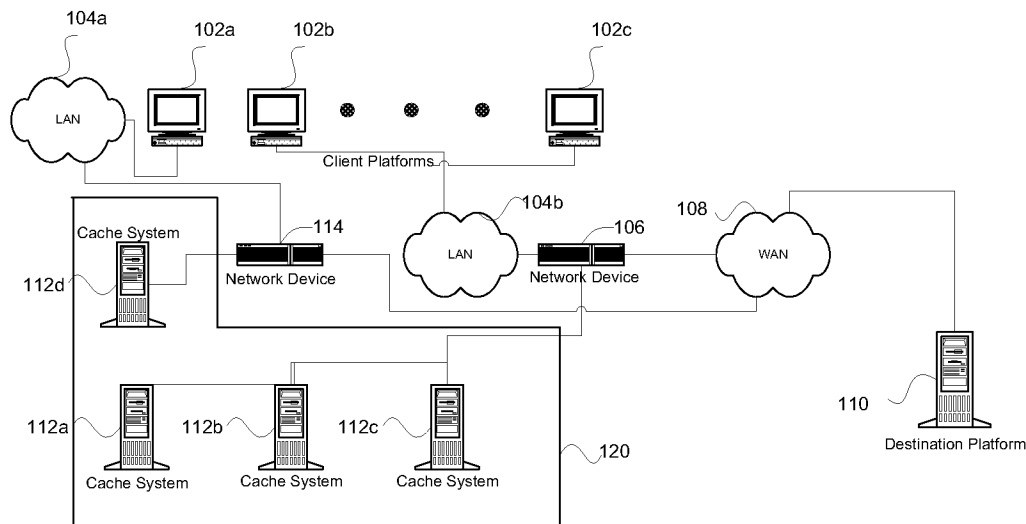


Fig. 1

As shown, a plurality of client machines 102 which are resident on local area networks (LAN) 104a and 104b communicate via router 106/router 114 and wide area network (WAN) 108, e.g., the internet, with server 110. In embodiments of the invention, router 106 is configured to redirect certain traffic towards a selected cache system, such as 112a~112d, which is configured to "spoof" server 110. The router 106 bases this cache system selection on traffic information received from each of its associated cache devices, e.g., 112a~112d. For example, the traffic information may specify that a first set of destination IP addresses are assigned to cache system 112a; a second set of IP addresses to cache system 112b; a third set of IP addresses to cache system 112c; and a fourth set of IP addresses to cache system 112d. Thus, embodiments of the present invention allow a designated traffic handling system to specify how a router redirects data to selected ones of its associated *plurality* of traffic handling systems based on traffic information from each of the plurality of traffic handling systems.

In contrast, the cited reference Yates describes routers that are each configured to redirect data to only a single cache server. See Fig. 1 of Yates. Thus, Yates does not teach operations for selecting a router to redirect data to a cache system selected among several cache systems associated with the router, in the manner claimed.

The portions of Yates cited by the Examiner will now be described in more detail. At Col. 4, Lines 40-52, Yates teaches that each cache server collects popularity statistics for each of its own document hits and that these statistics may be assessed by document publishers at a central location. However, Yates does not teach anything about sending such information to a router or that a router uses these statistics to redirect data to cache systems selected from a plurality of cache systems associated with such route, in the manner claimed. Yates goes on to explain at lines 53-59 that database providers are able to push documents to the best location (e.g., close to client) based on such popularity information. However, it is respectfully submitted that this section simply refers to configuring certain cache systems to hold certain data without providing mechanisms for a router to receive traffic information from each of its plurality of cache systems and then redirect data to cache systems selected from its associated plurality of cache systems based on such received information, in the manner claimed.

At Col. 7, Lines 28-44, Yates describes a router as including a filter code for filtering data to its *single* cache server, where the filter code is updatable by such router's *single* cache server. In other words, the only redirection function that is affected by information received from a cache server is the redirection function of the router with respect to its *single* associated cache system.

Referring to Col. 7, 64 through Col. 8, Line 4, Yates discloses functional blocks of the a router and its associated single cache system with respect to Fig. 2. The functional blocks include an http proxy and resource manager 24. At Col. 8, Lines 20-45, Yates describes this resource manager as being part of the single associated cache system of each router. Although a resource manager can inform its neighbor cache systems regarding which documents to cache and update their router filter codes accordingly, each particular router is still only configured to redirect data to a single cache system, as opposed to redirecting data to cache systems selected from a plurality of associated cache systems in the manner claimed. Finally, cited portions at Col. 8, Line 55 through Col. 9, Line 14 merely teach that a router intercepts packets based on its filter and the state of its particular cache system, rather than to a cache system selected from a plurality of associated cache systems in the manner claimed.

Since Yates fails to teach or suggest mechanisms for a processing device (e.g., router) to receive traffic information from each of its associated plurality of cache systems and then redirect data to cache systems selected from such associated plurality of cache systems based on such received information, in the manner claimed., it is respectfully submitted that the claims 1, 40, 78, and 80 are patentable over the cited art.

The Examiner's rejections of the dependent claims are also respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-19, and 41-57 each depend directly or indirectly from independent claims 1 or 40 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1 and 40. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Response is to be charged to Deposit Account No. 50-0388 (Order No. CISCPI46).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

/Mary R. Olynick/
Mary R. Olynick
Reg. 42,963

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100